

## **Document 2**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

DARRYL ORRIN BAKER,  
Plaintiff,

v.

UNITED STATES of AMERICA, et al.,  
Defendants.

Civil Action No. 05-147 (Erie)

DECLARATION OF MONICA RECKTENWALD

I, Monica Recktenwald, make the following declaration under penalty of perjury:

1. I am employed as an Executive Assistant, Camp Administrator, and Legal Liaison, by the United States Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution (FCI), McKean, Pennsylvania. I have been employed in this capacity since approximately August 22, 2004.


2. As a Legal Liaison at FCI McKean, I have access to most records maintained in the ordinary course of business at FCI McKean.

3. Attached hereto, please find a true and correct copy of the following documents, which are maintained in the ordinary course of business at FCI McKean:

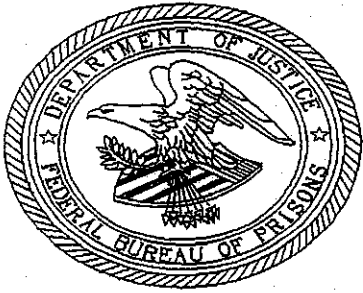
- a. Szarowicz Memorandum, dated February 29, 2004 (names of inmates other than Plaintiff redacted);
- b. Carlson Memorandum, dated February 29, 2004 (names of inmates other than Plaintiff redacted);
- c. Inmate Injury and Assessment and Follow-up form;
- d. McNinch Memorandum, dated February 29, 2004 (names of inmates other than Plaintiff redacted);
- e. Bailey Memorandum dated February 29, 2004 (names of inmates other than Plaintiff redacted);

I declare the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this 8<sup>th</sup> day of December, 2005.

  
Monica Recktenwald  
McKean, Pennsylvania

## **Document 2a**



UNITED STATES GOVERNMENT  
M E M O R A N D U M  
FEDERAL CORRECTIONAL INSTITUTION  
MCKEAN COUNTY, PENNSYLVANIA  
16701-5000

DATE: February 29, 2004

REPLY TO

ATTN OF: John Szayowicz, SOS

SUBJECT: Inmate Baker, Darryl #19613-039

TO: Douglas Bailey, Operations Lieutenant

On 2-29-04 at approximately 0915 I entered the lower ten man cell in Unit AA. I found inmate Baker #19613-039 lying in his assigned cell with his bed sheet covering his face. I asked him a question and he answered me with the sheet still covering his face. I got suspicions so I ordered him to remove the sheet from his face. When he complied I discovered that his left eye and upper forehead had injuries that are consistent with an assault.

I then asked him what had happened to his face and he replied that a dumb bell up in the weight room fell on him.

I immediately notified the Operations Lieutenant.

## **Document 2b**



U.S. Department of Justice

**MEMORANDUM**

Federal Bureau of Prisons

FCI MCKEAN

DATE: 2-29-04

REPLY TO: L. CARLSON S.O.S.

SUBJECT: POSSIBLE ASSAULT

TO: INVESTIGATING LT.

ON 2-29-04 AT APPROX. 9:30AM, WHILE ASSIGNED AS THE COMPOUND #2 OFFICER, I REPORTED TO UNIT A-A FOR A POSSIBLE ASSAULT, AT THAT TIME I ESCORTED INMATE BAKER #19613-039 TO THE LT. OFFICE, THEN TO THE INSTITUTIONAL HOSPITAL, THEN TO SHU. AFTER THE 10:00AM COUNT I REPORTED TO UNIT A-A, AND ESCORTED INMATE # TO THE LT. OFFICE, THEN TO THE INSTITUTIONAL HOSPITAL, THEN TO SHU.

## **Document 2c**

U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of Prisons

INMATE INJURY ASSESSMENT AND FOLLOWUP  
(Medical)

1. Institution <b>FCI McKean</b>	2. Name of Injured <b>BAKER, DANNYL</b>	3. Register Number <b>19613-039</b>
4. Injured's Duty Assignment <b>Unicon</b>	5. Housing Assignment <b>A1A</b>	6. Date and Time of Injury <b>2/27/04 2000hr</b>
7. Where Did Injury Happen (Be specific as to location) <b>Housing A1A Cell #129</b>	Work Related? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	8. Date and Time Reported for Treatment <b>2/29/04 0950hr</b>
9. Subjective: (Injured's Statement as to How Injury Occurred)(Symptoms as Reported by Patient) <b>41 x 10 RA 0 C/O LT. Face &amp; Eye Pain &amp; Swelling Aug 2-Imis &amp; LOC; ALSO 90 MINOR PAIN SWELLING THROAT AT Chest &amp; Back, RUE, BIL. HANDS. (3) Reports Epistaxis Epistaxis - 1st 24hr S/P &amp; Darryl Baker (4) No Resolving (V) Anesthesia LT Face &amp; Maxilla Dentition.</b>		
10. Objective: (Observations or Findings from Examination) <b>CAD 3, Mod distress, Ambulatory, Flaccid</b>		X-Rays Taken <input type="checkbox"/> Not Indicated <input checked="" type="checkbox"/> X-Ray Results
HEAD & NC/PT: EARS & BIL. TMS DISTACT & FID/BIL; FACE & LT. mild tender & ecchymosis & swelling & STEP-OFF/DEFORMITY, 5th distact & periorbital ecchymosis/edema, & tend & STEP-OFF; NOSE & nasal RT PYRAMID & TIP mild ecchymosis & tend NOSE & DYS-RT, BILAT. MUCCAL EDEMA. LT & RT & DRY & MESH BIL. LEFT & VISIB RUPTURE; CHEST/BACK & UES (SEE DIAGRAM); NEURO & CNS II-XL & DYS; PERILIA, LT. CANSUACTIVITY, COME		
11. Assessment: (Analysis of Facts Based on Subjective and Objective Data) <b>(1) Periorbital Soft Tissue Trauma Ecchymosis/Edema &amp; FX (2) Epistaxis &amp; FX. (3) LT. MAXILLA/ZYGOMA Contusion &amp; FX (4) 95% Contusion, Sprain (5) Contusion &amp; ABRASION (Submucosal) (6) 95% Contusion, Sprain (7) Superficial abrasions</b>		
12. Plan: (Diagnostic Procedures with Results, Treatment and Recommended Follow-up) <b>(1) Epinephrine 3cc Topical LT. NOSE x 1 (2) Epistaxis Prophylaxis Instructions (3) Swollen eye Exam Acuity @ 20/25 Bilat (4) Educate Counsel re. Trauma &amp; RTC - PRN (5) Understand</b>		
13. This Injury Required:  <input type="checkbox"/> a. No Medical Attention <input checked="" type="checkbox"/> b. Minor First Aid <input type="checkbox"/> c. Hospitalization <input type="checkbox"/> d. Other (explain)  <input type="checkbox"/> e. Medically Unassigned <input type="checkbox"/> f. Civilian First Aid Only <input type="checkbox"/> g. Civilian Referred to Community Physician	<p>Alve Ridge 1st 24hr Tongue Buccal Neutral Occlusor 5) Mild swelling FROM &amp; tend 6) Hand abrasion #495 MCP &amp; 2nd tend &amp; FROM 4) FROM &amp; mild tend 3. 46. mild ecchymotic swelling Shin &amp; tend very superficial abrasion</p>	
Signature of Physician or Physician Assistant <b>Robert E. Plotrowski, PA-C</b> FCI McKean		

Original - Medical File  
Canary - Safety  
Pink - Work Supervisor (Work related only)  
Goldenrod - Correctional Supervisor

Self Carboned Form - If ballpoint pen is used, PRESS HARD

## **Document 2d**

UNITED STATES GOVERNMENT  
M E M O R A N D U MFEDERAL CORRECTIONAL INSTITUTION  
MCKEAN COUNTY, PENNSYLVANIA  
16701-5000

DATE: February 29, 2004

REPLY TO: *Ellen McNinch*  
ATTN OF: Ellen McNinch, Correctional Counselor

SUBJECT: Inmate Baker, Darryl #19613-039

TO: *D. Bailey*  
Douglas Bailey, Operations Lieutenant

On 2-29-04 at approximately 1245 an inmate came to my office and told me that on Friday night (2-27-04) inmate Baker #19613-039 went into the microwave room to use one of the microwaves. At that time inmate #1 was using one and saving the other one for a friend. I told Baker he could not use the microwave. Apparently they had words. Then inmate #7 came into the room, held inmate Baker down while inmate beat him up.

I was also informed that inmate and were intoxicated at that time.

I then asked him what had happened to his face and he replied that a dumb bell up in the weight room fell on him.

I immediately notified the Operations Lieutenant.

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"Sensitive-Limited Official Use Only"

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## **Document 2e**



# FEDERAL BUREAU OF PRISONS

## m e m o r a n d u m

FBI, McKean, Pennsylvania

**DATE:** February 29, 2004

**REPLY TO**  
**ATTN OF:** D. Bailey, Lieutenant

**SUBJECT:** Fight / Assault, Inmate on Inmate

**TO:** Donald P. Reich, Captain

On Sunday, February 29, 2004, at approximately 9:40 am, I was notified by Officer Szarowicz, Unit A-A, that he had an inmate with injuries consistent with being involved in a physical altercation. Staff responded to Unit A-A and found inmate Baker, Darryl, #19613-039 with a swollen left eye. Further investigation revealed that on Friday, February 27, 2004, at approximately 8:30 pm, inmates Baker #19613-039 and #19613-039 got into a verbal altercation in the microwave room of Unit A-A, over the use of the microwaves. The argument escalated and at some point inmate #19613-039 entered the area. The three inmates then got involved in a physical altercation.

All three inmates were escorted to the Health Services Department for medical assessments and placed in the Special Housing Unit pending investigation.

A hand and body check was conducted of all inmates in Unit A-A with negative results.

### INMATE INTERVIEWS:

**Baker, Darryl #19613-039**

Inmate Baker was interviewed in the Lieutenant's office by Lt. Bailey and he gave the following statement:

Inmate Baker stated that on Friday night at approximately 8:30 pm he entered the microwave room of Unit A-A. He got into an argument with inmate #19613-039 over the use of a microwave. He stated that #19613-039 left the area and returned with inmate #19613-039 and the two of them proceeded to assault him.

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Inmate [redacted] was interviewed in the Lieutenant's office by Lt. Bailey and he gave the following statement:

Inmate [redacted] stated that he did not have any knowledge of a fight or assault taking place recently in Unit A-A. He further stated that he was not involved in any fight or assault of inmate Baker and that he has not seen Baker for several days.

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Inmate [redacted] was interviewed in the Lieutenant's office by Lt. Bailey and he gave the following statement:

Inmate [redacted] stated that Baker and [redacted] had gotten into a fight in the microwave room on Friday night. He stated that the two of them got into a fight over the use of a microwave and that when he saw it he jumped in to break things up. [redacted] claimed that he had nothing to do with the injuries sustained by Baker.

#### **INMATE MEDICAL ASSESSMENT REPORTS:**

**Baker, Darryl #19613-039**

Inmate Baker received a medical assessment by Robert Piotrowski, PA-C in the Health Services Department:

Inmate Baker sustained a hemorrhage to his left eye, superficial abrasions to the left side of his face, and a contusion to his forehead.

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Inmate [redacted] received a medical assessment by Robert Piotrowski, PA-C in the Health Services Department:

Inmate [redacted] did not sustain any injuries during this incident.

#

Inmate [redacted] received a medical assessment by Robert Piotrowski, PA-C in the Health Services Department:

Inmate [redacted] did not sustain any injuries during this incident.